

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7144 (TTY)  
[www.burlingtonvt.gov/planning](http://www.burlingtonvt.gov/planning)

Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Andrew Saba  
Lee Buffinton  
Harris Roen  
Andy Montroll  
Jennifer Wallace-Brodeur  
Vacant, Youth Member



## Burlington Planning Commission Minutes

Tuesday, October 22, 2013 - 6:30 pm

**Present:** Y. Bradley, L. Buffinton, A. Montroll, H. Roen, B. Baker

**Absent:** E. Lee, J. Wallace-Brodeur

**Staff:** S. Thibault, D. White, E. Tillotson

### I. Agenda

No changes.

### II. Public Forum

Y. Bradley: Opened the public forum at 6:35 pm.

P.J. McHenry: Has questions needing clarification re: the zoning ordinance. He would like clarification of the descriptions of performing arts studio and performing arts center. He knows that the center has permanent seating and has heard rumors about the number of performances allowed. He would like clarification about the descriptions and restrictions. The property that he is now using is in the ELM district and he wishes to adhere to the requirements.

D. White: Will respond in general that the difference is in the scale of the permits and suggests that a more in depth conversation with staff may help.

P.J. McHenry: He feels caught in the middle and wants to be sure that he adheres to the regulations.

D. White: As long as the business is open for someone to come in to purchase food or alcohol, some forms of entertainment, for instance, an art exhibit are allowed.

L. Buffinton: In a performing arts studio, can they set up chairs temporarily for public use?

D. White: Yes, the ordinance is flexible; a recital hall is an example.

P.J. McHenry: If the permit is not for a performing arts center are number of performances restricted?

D. White: No, an entertainment license is involved in that instance.

P.J. McHenry: He does have an entertainment permit for his business at 400 Pine Street, Arts Riot.

E. Hoekstra: He is in the early stages of a project in the RH zone. It is a great redevelopment site. He discusses shared use parking districts where in RH zone (high density) the parking requirement is two spaces per unit. It is just not possible to do that. There is potential for a parking waiver but that opens the door to possible appeals from the neighbors even parking is not an issue. He would encourage the Commission to try to advance the current amendment with potential changes for parking in the residential district. Using the number of bedrooms per unit makes much sense.

M. Tracy: Thanked the Planning Commission for their work. There was a great report from the Commission last night at the City Council meeting and the Council appreciated the commissioners' presence. Also, thanks to the Commission's receptivity in relation to the Dolans and their property issues on North Winooski Street. The last issue he wished to address is that he is very interested in supporting the arts community and specifically Arts Riot and other businesses that face challenges.

*As approved by the Burlington Planning Commission on November 12, 2013.*

There are more issues beginning to surface in the Pine Street area. Citizen Cider is trying to develop a tasting room in a Pine Street location and they want to be able to serve a full glass, not just a taste only. Bars are not allowed in that area and that may be a continuing issue of development since the businesses are not the same sorts as on Church Street. He would encourage the Planning Commission to get out ahead of this and examine what it might be able to facilitate.

D. White: This is an opportunity for great collaboration between the Council licensing committee and the Planning & Zoning dept. With the different groups working together it will be possible to allow for bars and restaurants in this zone. Some of the tensions between the diverse needs are apparent in several zones and evolving rapidly creating huge opportunities. We may see areas develop in less than desirable ways unless we can enable good businesses to establish themselves via changes to the zoning regulations.

H. Roen: It's important to keep the traditional manufacturing uses as permitted.

D. White: Yes, but there is a need to maintain affordability for developing businesses and then allow for continuing expansion.

P.J. McHenry: Is there a place to find more information on zones?

D. White: Yes, the use table will provide for further direction.

Y. Bradley: The market has shifted. The type of jobs occurring here are desirable to residents so that they can walk and bike to work. At present the ordinance directs that after hours a resident of the south end has to go somewhere else for entertainment and evening activities. The south end is changing in lots of exciting ways, it is in its second wave, transitioning from manufacturing to new uses.

D. White: The Commission needs to develop a vision to incorporate the new uses.

A. Montroll: Have we applied for grant funding for the South End planning process?

D. White: Yes we have applied for a state Municipal Planning Grant for \$20,000.

S. Thibault: The Regional Planning Commission has placed \$100,000 in their budget for FY 2015. CEDO has an Area-Wide EPA grant with \$56,000 set aside for consultant work. We still need another \$150,000 to complete the budget.

Y. Bradley: He closed the public forum at 6:47pm.

### **III. Report of the Chair**

The Chair presented the following report:

- He participated in another very productive Form-Based Code Think Tank meeting which was a little less well attended than some previously. Form Based Code as well as other relevant issues were discussed with architects, realtors, and participants and the discussion was joined by Counselor Shannon as well. This is an ongoing process. Hats off to D. White and S. Thibault.

### **IV. Report of the Director**

The Director presented the following report:

- He has been on vacation the last several weeks and consequently has nothing useful to offer.

### **V. Proposed Amendment**

L. Buffinton recused herself on this item as she is an employee of Champlain Housing Trust.

D. White: This amendment was discussed in a September meeting where Champlain Housing Trust requested that a portion of this property be changed so that the complete property would be in

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Neighborhood Activity Center zone instead of split between two zones which would make it particularly difficult to develop successfully.

A. Demetrowitz: Thank you for considering this proposed amendment. Champlain Housing Trust (CHT) has assembled some properties and proposes to develop 42 coop housing units. Most of the properties are in the NMU zoning district, but one of them is in the Residential Medium-Density (RM). The regulations require a 15 foot setback between zoning districts, which would make it very difficult for CHT to properly develop the parcel. The change will ensure a 15 feet setback from the neighbors instead of a 5 foot setback currently.

H. Roen: So these properties are now all one owner?

D. White: Yes, and they were zoned differently. The Planning Commission agrees with A. Demetrowitz that the change is appropriate for the neighborhood and the project. There will be expansion of the NMU zoning district and will also require an expansion of the Shared Use Parking district.

**On a motion by A. Montroll, seconded by B. Baker, the Commission unanimously warned a public hearing for ZA-14-05 on November 26, 2013.**

A. Montroll: Can lots be merged across districts?

D. White: There are very few instances where zoning boundaries split properties, and there are different set back requirements in different zones.

A. Montroll: Are there other problem places?

D. White: This does come up a lot. Separation is important for clarity of uses, it creates breathing spaces.

#### **VI. Requested Amendment**

Y. Bradley: Councilor Shannon has endorsed this and the City Council has passed a resolution supporting this amendment.

S. Thibault: A copy of the actual proposed ordinance was given to you tonight and it does remove the parking requirement for cafes in the Shared Use parking district. The Council has had its first reading and they expect to see this back from the commission in early December. The Planning Commission is not required to hold public hearings, but both S. Thibault and the city attorney believe a public hearing is better.

**On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously warned a public hearing for ZA-14-06 for November 26, 2013.**

#### **VII. Historic Building Materials**

D. White: The City Council Ordinance Committee scheduled this at last week's meeting but they removed it from their agenda because neither S. Thibault nor D. White was available so it will be set up for a future hearing.

Y. Bradley: Is it normal for it to take this long?

S. Thibault: The downtown parking proposal has been with them even longer.

D. White: It has to do with the Council Ordinance Committee workload; they have lot of things on their plate. They have tried to take on the more simple zoning amendments.

Y. Bradley: Time kills deals.

H. Roen: What happens after a year?

D. White: The amendment has to come back to the Planning Commission.

*As approved by the Burlington Planning Commission on November 12, 2013.*

**VIII. PC 2014 Meeting Schedule Approval**

On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously approved the regular meeting schedule for 2014.

**IX. Committee Reports**

Executive Committee – hasn't met.

Long Range Planning Committee – hasn't met.

Ordinance Committee – hasn't met.

**X. Commissioner Items**

L. Buffinton: Has two questions. The first is about the Residential High Density zone and parking, are we looking at this?

S. Thibault: It is with the Commission Ordinance Committee.

Y. Bradley: As part of the think tank process and group he believes the Planning Commission is pretty good at hearing the real time issues.

B. Baker: Is there a master list of zoning amendments with the status of each? Yes, K. Lerner is the keeper of this list.

L. Buffinton: The Planning Commission needs to have a complete list.

H. Roen: The Urban Agriculture Committee is ready to move too.

D. White: It was attacked in fits and starts and he doesn't know quite where it is now but will keep prodding.

L. Buffinton: What is the status of the waterfront in reference to act 250 and permitted activities on the waterfront?

D. White: There is pending litigation, as well as the City is seeking an amendment to the permit. The anticipation is that sometime this fall/winter it will come up again. Ultimately what is allowed is within the Act 250 process.

B. Baker: We have processed a lot of amendments; should there be new CDO copy for members?

D. White: Yes soon.

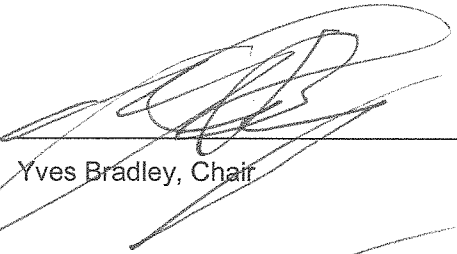
Y. Bradley: Thank you to all commissioners. He doesn't feel we are neglecting any needed discussion and feels that the Commission is much more nimble and timely in making decisions. He is proud of all of the evolved commission and hopes it feels good. Wonderful!

**X Minutes/Communications**

On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously approved the minutes of October 8, 2013, with corrections and accepted the communications and placed them on file.


XI. Adjourn

On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously adjourned the meeting at 7:23pm.

  
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Yves Bradley, Chair

Date

11/26/13

  
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Elsie Tillotson, recording secretary

